

**REAL ESTATE BOARD
MINUTES
MADISON, WISCONSIN
December 6, 2001**

PRESENT: Nancy Gerrard, Richard Hinsman, Bettye Lawrence, Harold (Hal) Lee, Richard Kollmansberger, Jerome Nelson and James Imhoff, Jr.

EXCUSED: None

STAFF PRESENT: Cletus Hansen; William Black, Legal Counsel; and Division of Enforcement staff were present for portions of the meeting.

GUESTS: Richard Staff, WRA

CALL TO ORDER

The meeting was called to order at 10:38 a. m. by Jim Imhoff, Chair, upon confirmation that the public notice was timely given. A quorum of 7 members was present

AGENDA

MOTION: Harold Lee moved, seconded by Jerry Nelson, to adopt the agenda with the addition of a proposed stipulation relating to David A. Dettmann and several case closings. Motion carried unanimously.

MINUTES (09/27/01)

MOTION: Bettye Lawrence moved, seconded by Richard Kollmansberger, to approve the minutes as written. Motion carried unanimously.

ADMINISTRATIVE REPORT

Clete Hansen

- **Board Roster**

The Board received a copy of the June 2001 roster. Hal Lee and Jerome Nelson pointed out that their Arizona addresses are listed on the roster and that mailings should be sent to Arizona for the next few board meetings. Jim Imhoff announced that Bettye Lawrence agreed to screen complaints during Hal Lee's absence from the state of Wisconsin.

- **Meeting Dates for 2001**

Noted

- **Summary Reports on Pending Court Cases, Disciplinary Cases and Administrative Rules**

Noted

- **To-Do List**

Noted

- **To-Pass Folder**

Routed to Board members.

LEGISLATION

Update re: Legislation That Relates to Real Estate

Clete Hansen announced that there was nothing new to report.

Law Revision Bill

Clete Hansen referred to a memorandum, from William Dusso, dated September 19, 2001, listing the proposals sent to the Law Revision Committee by the Department. Hansen highlighted the proposals that affect the Real Estate Board.

ADMINISTRATIVE RULES

Supervision of Licensed Employees

Jim Imhoff pointed out that this agenda item would be reviewed under the following agenda item.

REPORT OF THE REAL ESTATE LAW REVIEW COMMITTEE

Jim Imhoff reviewed the contents of the Committee minutes, relating to the Committee meeting of November 14, 2001. He pointed out that the next Committee meeting will be on January 24, 2002, at 1:30 p.m.

MISCELLANEOUS CORRESPONDENCE

ERC's Coalition Newsletter

Noted. Jim Imhoff briefly explained the after-the-fact referral fee problem.

PUBLIC COMMENT

None

PRESENTATION OF PROPOSED STIPULATIONS BY DIVISION OF ENFORCEMENT

Charles Howden and Gerald Scanlan answered questions relating to proposed stipulations, involving Matthew F. Imperl, Auction Realty, Inc., and Robert G. Rybarczk; Alan R. Alteri; and David A. Dettmann .

RECESS TO CLOSED SESSION

MOTION: Bettye Lawrence moved, seconded by Richard Hinsman, to convene the meeting in Closed Session pursuant to Sections 19.85(1)(a), (b), and (f), Wis. Stats., to consider the licensing or discipline of a person licensed by the Department or the investigation of charges against such a person. Specifically, to discuss the Case Closings and the Case Status Report, stipulations that were presented in Open Session, an administrative warning, and a request for review of an administrative warning. Motion carried unanimously by a roll call vote: Richard Kollmansberger-yes; Bettye J. Lawrence-yes; Nancy Gerrard, Jerome M. Nelson-yes; Harold Lee-yes; Jim Imhoff-yes and Richard Hinsman-yes. Motion carried unanimously.

Open Session recessed at 1130 a. m.

The Board received a copy of the Division of Enforcement Case Status Report.

The Board deliberated on case closings, stipulations and an administrative warning. Final voting on these issues was conducted in Open Session.

Robert Clemen did not appear to discuss the administrative warning previously issued to him.

Patrick Huberty did not submit additional information for the Board's consideration.

RECONVENE IN OPEN SESSION

MOTION: Richard Hinsman moved, seconded by Jerome Nelson, to adjourn the Closed Session and to reconvene in Open Session at 11:55 a. m. Motion carried unanimously.

VOTING ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

CASE CLOSINGS

MOTION: Hal Lee moved, seconded by Bettye Lawrence, to close the following cases presented by the Division of Enforcement for closing. Motion carried unanimously.

98 REB 290	00 REB 050
99 REB 085	00 REB 164 (amended by RD & by the REB)
99 REB 143	00 REB 247
99 REB 320	00 REB 251
99 REB 338	00 REB 288
00 REB 035	01 REB 033
00 REB 027	01 REB 038
01 REB 140	01 REB 051
00 REB 039	00 REB 136
99 REB 262	00 REB 131
00 REB 055	01 REB 055
01 REB 102	

STIPULATIONS

Matthew F. Imperl (Greenfield, WI)

MOTION: Jerome Nelson moved, seconded by Richard Hinsman, to accept the Stipulation, Findings of Fact, and Conclusions of Law and Order in the disciplinary matter involving Matthew F. Imperl. Motion carried unanimously.

Auction Realty, Inc., and Robert G. Rybarczk (Schofield)

MOTION: Bettye Lawrence moved, seconded by Richard Kollmansberger, to accept the Stipulation, Findings of Fact, and Conclusions of Law in the disciplinary matter involving Auction Realty, Inc., and Robert G. Rybarczk. Motion carried unanimously.

David A. Dettmann (Wausau, WI)

MOTION: Richard Kollmansberger moved, seconded by Bettye Lawrence, to accept the Stipulation, Findings of Fact, and Conclusions of Law in the disciplinary matter involving David A. Dettmann. Motion carried unanimously.

Alan R. Alteri (Brookfield, WI)

MOTION: Richard Kollmansberger moved, seconded by Hal Lee, to accept the Stipulation, Findings of Fact, and Conclusions of Law in the disciplinary matter involving Alan R. Alteri. Motion carried unanimously.

**CONSIDER CLOSING DISCIPLINARY INVESTIGATION WITH ADMINISTRATIVE
WARNING**

Charles E. Olson, Sr., Dennis J. Starr, and Starrbros, Inc. (Sturgeon Bay)

MOTION: Richard Hinsman moved, seconded by Hal Lee to return the proposed administrative to the DOE prosecutor and investigator for revision of paragraphs #7 and #12. Motion carried unanimously.

REVIEW OF ADMINISTRATIVE WARNING

The Board informally noted that, since Robert Clemen did not appear before the Board, the administrative warning stands, as drafted, pursuant to s. RL 8.065, Wis. Admin. Code.

ADJOURNMENT

MOTION: Hal Lee moved, seconded by Bettye Lawrence, to adjourn the meeting at noon. Motion carried unanimously.